(3) 1.

CANCELLED

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 2688 /2005

PETITIONER (S) :

1. State of Chattisgarh
   Through Secretary
   Water Resources Deptt.
   Mantralay Bhawan
   Raipur , Chhattisgarh

2. Superintending Engineer
   Water Resources Deptt.
   Shivnath Division
   Durg, Chhattisgarh

3. Executive Engineer
   Tandula Water Resources
   Division
   Durg, Chhattisgarh

P.R. No. 2813/05
Presented by Shri ...
dated 23/6/05

VERSUS

RESPONDENT(S) :

1. Chhattisgarh Jal
   Sansadhan Vibhag
   Majdoor Sangh
   Through- Yashwant Sahu
   Mahamantri
   Baspara
   Durg (Chhattisgarh)

2-④

2. Presiding Officer
Industrial Court
Raipur (C.G.)

3. Presiding Officer
Labour Court
Durg (C.G.)

APPLICATION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

(32)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..W.P.No.2688..... **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	15.07.2005 Mr. P.S. Koshy, learned Dy. Advocate General for the State of Chhattisgarh / petitioners. Learned counsel appearing for the petitioners submits that the respondent No.2 has filed an application under Section 31(3) read with Sections 61 and 64-A of M.P. Industrial Relations Act, 1966 seeking regularization of daily wage employees in Water Resources Department, Tandula. The Labour Court, after having considered arguments of all the parties, has come to the conclusion that the daily wage employees are deprived of the same salary what regular employees are getting. Accordingly, the Labour Court directed the regularization of services of the member employees of respondent No.1. Being aggrieved, the petitioners filed an appeal under Section 62 of C.G. Industrial Relations Act before the Industrial Court. The appeal was time barred by one year eleven months as limitation prescribed for appeal is 30 days. The Industrial Court has dismissed the appeal on the ground of delay. Learned counsel for the petitioners submits that decision of the Labour Court may have repercussions on other employees also. Learned counsel further submits that prayer of granting regularization without directing for consideration is bad. Without going into merits of the case in the interest of justice, it is desirable that delay of one year eleven months in filing appeal before the Industrial Court be condoned. Accordingly, the writ petition is partly allowed to the extent that the Civil Appeal	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P.No.2688..... **सन् 200** 5

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
Sarma	No.113/CGIR/A-II/04 be restored to the file after condoning the delay for decision on merit. Accordingly, the matter is remitted back to the Industrial Court for consideration of appeal Sd/- Satish K. Agnihotri Judge	